

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Part 97 of the Commission's)
Rules Governing the Amateur Radio Service) RM-11306
Concerning Permitted Emissions and)
Control Requirements)

To: The Chief, Wireless Telecommunications Bureau
VIA OFFICE OF THE SECRETARY

ERRATUM

ARRL, the National Association for Amateur Radio, also known as the American Radio Relay League, Incorporated (ARRL), by counsel, hereby respectfully submits the following ERRATUM relative to a written ex parte filing made by ARRL on or about February 14, 2007 with respect to the above-captioned Petition for Rule Making. Specifically, there was a material error in a proposed modified Appendix that was submitted following a meeting with the Commission's Mobility Division staff concerning the captioned proceeding. A corrected revised appendix is attached hereto, and ARRL offers the following explanation for the error. It is apparent that this inadvertent error, which is exclusively that of undersigned counsel for ARRL, has resulted in some serious misunderstandings, which are regrettable. This Erratum will hopefully provide clarification of the intent of ARRL in submitting the revised Appendix, and more importantly, clarify that no

change is proposed in Section 97.221(c) of the Rules pertaining to the 500 Hz bandwidth limitation for automatically controlled stations transmitting data emission in the High Frequency (HF) bands below 28 MHz. ARRL states as follows:

1. As reported in the *Notice of Oral Ex Parte Presentation* filed February 14, 2007, there occurred on Tuesday, February 13, 2007, a meeting among representatives of ARRL and several members of the staff of the Commission's Mobility Division concerning this rulemaking proceeding. The purpose of the meeting was to present and discuss some proposed modifications to the *Petition for Rule Making* filed by ARRL on November 14, 2005.¹ The changes in the Petition, specifically to the proposed Appendix to the Petition, advocated at this meeting by ARRL were necessitated by intervening rule changes dealing with operating privileges that the Commission adopted in the Part 97 rules since the filing of the ARRL Petition in WT Docket Nos. 04-140 and 05-235. Absent the modification, the Petition as filed would result in some unintended consequences relating to operating privileges for certain classes of licensee that would have been inconsistent with the Commission's recent decisions in those two docket proceedings. ARRL urged at the February 13, 2007 meeting that the Commission adopt, in effect, **a subset of the rules initially proposed in the Appendix to the Petition** as it was initially filed. The *revised* Appendix presented to the Commission

¹ The Petition was placed on public notice January 6, 2006, and a large number of comments were filed thereon.

staff at that meeting, and subsequently filed with the *Notice of Oral Ex Parte Presentation*, in effect reverted to the existing rules for the HF bands below 28 MHz and relegated the “regulation by bandwidth” concept to the bands at and above 28 MHz. In accomplishing that conceptual change, an error was made with respect to Section 97.221 of the Commission’s Rules.

2. The error involves the current rule Section 97.221(c), which authorizes stations to be automatically controlled while using a RTTY or data emission in the CW/RTTY/data subbands, provided that two conditions are met: (1) the station must be responding to interrogation by a station under local or remote control, and (2) the station must occupy no more than 500 Hz bandwidth. This is referred to within the Amateur Radio community as so-called "semi-automatic" operation. ARRL’s original petition, RM-11306, proposed to limit the bandwidth of amateur emissions in most of the existing CW/RTTY/data HF subbands to either 200 Hz or 500 Hz. Therefore, the specific bandwidth limitation for semi-automatic RTTY/data stations of 500 Hz was redundant, and the ARRL Petition therefore proposed the deletion of 97.221(c)(2).

3. The presentation made to the Commission’s Mobility Division staff on February 13, 2007, and the revised Appendix (referred to for clarity as Revised Appendix #1) proposed to maintain the existing regulations in the HF bands below 28 MHz with one exception. The exception was to propose, for the first time, an absolute bandwidth limit of 3 kHz on RTTY and data

emissions below 28 MHz. That change was necessary in order to address an unintended anomaly in the Rules that now permits certain data emissions of any bandwidth in the HF bands.² Since the intent was otherwise to maintain the status quo, the proposal to amend 97.221(c) that was included in the original RM-11306 petition should have been deleted because no change to 97.221 is now required. Unfortunately, the part of the original petition that proposed to amend 97.221(c) inadvertently was carried over into Revised Appendix #1 which was filed with the ex parte statement. That was a clerical error on the part of undersigned counsel, and was not intended.

4. To remedy this, attached hereto is a further revised and corrected Appendix (Revised Appendix #2). This corrects the error relative to Section 97.221 and should be substituted for Revised Appendix #1, which should be discarded. ARRL appreciates the Amateur Radio licensees who brought this matter to our attention. Undersigned counsel for ARRL apologizes for any misunderstanding that this error created.

ARRL, the National Association for Amateur Radio

² OFDM emissions of any bandwidth are now permitted in the HF bands because they are not prohibited. They are not limited in terms of bandwidth by Section 97.307(f)(3) or (9). While it is common practice, for example, for PACTOR 3 emissions 2 kHz wide to be used in the automatically controlled subbands specified in Section 97.221(b) of the Rules, such is only required if those stations are automatically controlled. If they are locally or remotely controlled, they could operate anywhere in the HF RTTY and data subbands, because no current rule prohibits it. The rules initially proposed in the ARRL Petition would have remedied this anomaly because data and all other emissions would have been limited throughout the HF bands to certain specific bandwidths. However, in reverting to the “regulation by emission type” concept for the bands below 28 MHz, the anomaly resurfaced. The proposed imposition of an overall 3 kHz bandwidth limitation in Section 97.307(f)(3) was necessary, therefore, as a conforming amendment. Absent such, unlimited bandwidth for locally controlled data stations throughout the HF bands would be permitted.

225 Main Street
Newington, CT 06111-1494

By: Christopher D.
Imlay

Christopher D. Imlay
Its General Counsel

Booth, Freret, Imlay & Tepper, P.C.
14356 Cape May Road
Silver Spring, MD 20904-6011
(301) 384-5525

March 22, 2007